

AN ORDINANCE BY CITY UTILITIES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER AN AGREEMENT TO ALLOW VULCAN MATERIALS COMPANY, L.P. TO ACCESS THE PROPERTY KNOWN AS THE BELLWOOD QUARRY TO FULFILL ITS RECLAMATION OBLIGATIONS TO THE STATE OF GEORGIA AND THE CITY OF ATLANTA, AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") owns approximately 137.99 acres generally known as the Bellwood Quarry located at 900 Lois Street, Atlanta, Georgia 30318 (the "Property"); and

WHEREAS, Vulcan Materials Company, L.P. ("Vulcan") has continued reclamation requirements pursuant to Surface Mining Permit No. 055-098 and that certain Lease and Royalty Agreement between the City and Vulcan dated June 30, 2006 (the "Lease Agreement"), said Lease Agreement between the parties having expired June 30, 2008; and

WHEREAS, Vulcan has requested access to the Property for the purpose of completing its reclamation requirements on the Property (the "Project"); and

WHEREAS, it is in the best interests of the City to grant access for this purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, a municipal corporation as follows:

SECTION 1: That the Mayor or her designee is authorized to negotiate the final terms of a license and access agreement.

SECTION 2: That the Chief Financial Officer is authorized to anticipate and receive any proceeds from a negotiated fee for access to the Property which may be off-set by improvements to the Property such as construction of dewatering pumping equipment necessary for reclamation that would remain on the Property upon completion of reclamation. Any funds received after negotiated off-sets shall be divided as follows: Eighty-eight percent (88%) shall be received in Account # 5051 (Water and Sewer Fund) 000002 (Water and Sewer Revenue) 3810008 (General Building Rental) and Twelve Percent (12%) shall be received in Account # 1001 (General Fund) 000002 (General Revenue Organization) 3810001 (General Land Rental).

SECTION 3: The Mayor, on behalf of the City, is authorized to execute any and all documents that the City Attorney deems necessary and advisable to carry into effect the intent of this ordinance.

SECTION 4: The City Attorney is hereby directed to prepare for execution by the Mayor, any and all contracts or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this ordinance, said documents to be approved as to form by the City Attorney.

SECTION 5: Said contracts or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been signed by the Mayor.

SECTION 6: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities Committee

Caption: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER AN AGREEMENT TO ALLOW VULCAN MATERIALS COMPANY, L.P. TO ACCESS THE PROPERTY KNOWN AS THE BELLWOOD QUARRY TO FULFILL ITS RECLAMATION OBLIGATIONS TO THE STATE OF GEORGIA AND THE CITY OF ATLANTA, AND FOR OTHER PURPOSES.

Council Meeting Date: October 20, 2008

Requesting Dept.: Watershed Management

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to authorize the City to enter a License and Access Agreement. The purpose of the agreement is to permit Vulcan Construction Materials, L.P. access to the Bellwood Quarry site for Vulcan Construction Materials, L.P. to complete reclamation work required in its Lease Agreement with the City and by State Law.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

The Lease Agreement between the City and Vulcan expired on June 30, 2008. However, Vulcan has not yet completed reclamation work. To comply with the Lease Agreement and the Surface Mining Act, Vulcan must return to the property to complete reclamation.

3. If Applicable/Known:

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc): License and Access Agreement.

- (b) **Source Selection:** N/A
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids:** N/A
- (f) **Proposals Received:** N/A
- (g) **Bidders/Proponents:** N/A
- (h) **Term of Contract:** One year.

4. Fund Account Center (Ex. Name and number):

Name: Water Fund **Fund:** 2J01 **Account:** 462101 **Center:** B0001

Name: Parks **Fund:** 1A01 **Account:** 462101 **Center:** B0001

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact: Depends upon the access fee. However, if Vulcan pays \$10,000 per month for access, it would result in up to \$120,000 in access fees over the one year term. The City will also receive the value of Vulcan's work once complete.

Example: *This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.*

7. Method of Cost Recovery:

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Marc Goncher, Senior Assistant City Attorney (on behalf of Benjamin Jacob).

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: _____ Maisha L. Wood _____

Contact Number: _____ (404) 330-6887 _____

Originating Department: _____ Department of Watershed Management _____

Committee(s) of Purview: _____ City Utilities Committee _____

Chief of Staff Deadline: _____ October 1, 2008 _____

Anticipated Committee Meeting Date(s): _____ October 14, 2008 _____

Anticipated Full Council Date: _____ October 20, 2008 _____

Legislative Counsel's Signature: _____

Commissioner Signature: _____ Robert G. Hunter _____

Chief Procurement Officer Signature: _____ N/A _____

CAPTION

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER AN AGREEMENT TO ALLOW VULCAN MATERIALS COMPANY, L.P. TO ACCESS THE PROPERTY KNOWN AS THE BELLWOOD QUARRY TO FULFILL ITS RECLAMATION OBLIGATIONS TO THE STATE OF GEORGIA AND THE CITY OF ATLANTA, AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): n/a

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 10/1/08 AMC Reviewed by: _____
(date) (date)

Submitted to Council: _____
(date)